

Application/Control No.: 10/647,165  
Art Unit: 1751

### **REMARKS**

Claims 1-26 remain in the application. Claims 5, 12, 23 and 26 are currently amended.

### **CLAIM OBJECTIONS**

Claim 12 was objected to because of the following informalities: in line 2, it is suggested that a percentage sign "%" be added after "30" and "by" be added after "50%". Claim 12 has been amended as required by the Examiner.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Claims 5 and 23 were rejected under 35 U.S.C. 112, second paragraph, because claim 5 recited an incorrect formula for  $\text{Na}_2\text{HPO}_4$  and claim 23 recited "18°C" instead of "180°C". Claims 5 and 23 have been amended to correct these errors.

### **CLAIM REJECTION UNDER 35 U.S.C. § 102(b)**

Claim 26 was rejected under 35 U.S.C. §102(b) as being anticipated by Bartolotta et al (US Patent No. 3,933,672) because Bartolotta teaches a granular composition comprising 30.0 wt% anhydrous sodium carbonate, 10.0 wt% coconut alcohol condensed with 6 molar proportions of ethylene oxide (which is a nonionic emulsifier), 10.0 wt% sodium citrate dihydrate (which is a salt of a Bronsted acid), and 0.8 wt% dimethyl silicone (see Example 9, col. 21, lines 41-58). Inasmuch as there is nowhere required in the present claim as to the amount of the silicone oil in the foam regulating agent, the silicone oil in Bartolotta reads on the instant claim. Hence, Bartolotta anticipates the claim.

Applicants overcome this rejection by amending claim 26 to remove the alternative "or" from the expression "paraffin wax and/or silicone oil". Because of this amendment, claim 26 now recites that the foam regulating active ingredient is based on the combination of paraffin wax and silicone oil. As a result, Bartolotta does not anticipate claim 26 as amended because Bartolotta does not disclose the combination of silicone oil and paraffin wax. To anticipate a claim, a

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prior art reference must disclose every limitation of the claimed invention, either expressly or inherently. *Rapoport v. Doment*, 254 F.3d 1053, 1057, 59 USPQ2d 1215 (Fed. Cir. 2001).

#### ALLOWABLE SUBJECT MATTER

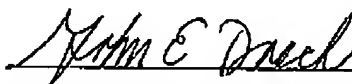
Applicants note that claims 1-4, 6-11, 13-22, 24-25 were indicated as allowed in the Office Action mailed on 02/23/2006. Applicants submit that claim 12 is now allowable in view of the amendment to overcome the objection indicated above. Applicants also submit that claims 5 and 23 are now allowable in view of the amendments to overcome the rejection(s) under 35 U.S.C. §112, 2nd paragraph, as indicated above and that claim 26 as amended is also allowable for the reasons discussed above.

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### CONCLUSION

In view of the amendments and remarks above, Applicants respectfully request reconsideration and reexamination of all pending claims. Applicants further submit that claims 1-26 are now in condition for allowance and a notice of allowance is respectfully requested. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 04-1406.

Respectfully submitted,



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